

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 15-522

Caption [use short title]

Motion for: Removal from Expedited Appeals Calendar ("XAC") Leder

v.

American Traffic Solutions, Inc.

Set forth below precise, complete statement of relief sought:

Pursuant to Local Rule 31.2(b)(2), Plaintiff-Appellant,
through counsel, respectfully requests to be
removed from the XAC and for an extension
to file her opening brief in the above matter.

MOVING PARTY: Claire F. Leder☒ Plaintiff☐ Defendant☐ Appellant/Petitioner☐ Appellee/RespondentOPPOSING PARTY: American Traffic Solutions, Inc., et al.MOVING ATTORNEY: Olimpio Lee Squitieri

[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY: Robert D. Friedman, Sara Decatur JudgeSquitieri & Fearon, LLPBurns & Levinson LLP32 East 57th Street, 12th Floor, NY, NY 10022125 Summer Street, Boston, MA 02110(212) 421-6492 lee@sfcasslaw.com(617) 345-3000 rfriedman@burnslev.com; sjudge@burnslev.comCourt-Judge/Agency appealed from: United States District Court, Eastern District of New York/Judge: Arthur D. Spatt

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):



Yes



No

(explain):

Opposing counsel's position on motion:



Unopposed



Opposed



Don't Know

Does opposing counsel intend to file a response:



Yes



No

Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below?



Yes



No

Has this relief been previously sought in this Court?



Yes



No

Requested return date and explanation of emergency:

Is oral argument on motion requested?



Yes



No

(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?



Yes



No

If yes, enter date:

Signature of Moving Attorney:

/s/Olimpio Lee SquitieriDate: March 17, 2015Service by: ☒ CM/ECF

Other [Attach proof of service]

ATTACHMENT TO FORM T-1080

Opposing Attorney:

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**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

CLAIRE F. LEDER, on behalf of herself and
all others similarly situated,

Plaintiff-Appellant,

v.

AMERICAN TRAFFIC SOLUTIONS, INC.;
ATS CONSOLIDATED, INC.; NASSAU
COUNTY TRAFFIC AND PARKING
VIOLATIONS AGENCY; and DEFENDANT
DOES 1-10,

Defendants-Appellees.

Docket No.: 15-522

DECLARATION IN SUPPORT OF MOTION

OLIMPIO LEE SQUITIERI declares the following as true under penalty of perjury:

1. I am attorney for the Plaintiff-Appellant, Claire F. Leder, in this appeal. I submit this declaration in support of this motion to be removed from the Expedited Appeals Calendar pursuant to Local Rule 31.2(b)(2).

2. The underlying case was dismissed by the United States District Court, Eastern District of New York (Spatt, J.) under Federal Rule of Civil Procedure 12(b). On March 6, 2015, this Court placed the instant appeal on the Expedited Appeals Calendar under Local Rule 31.2(b)(1), setting the due date for Plaintiff-Appellant's brief on April 10, 2015.

3. Plaintiff-Appellant, through counsel, respectfully requests that the Court place this appeal on the standard briefing schedule and set the due date for Plaintiff-Appellant's opening brief as May 11, 2015 because of Plaintiff-Appellant's counsel experiencing immediate and unexpected demands from other cases.

4. Plaintiff-Appellant has notified opposing counsel of this motion. Opposing counsel do not oppose the relief requested and do not intend on filing a response to this request. Plaintiff-Appellant has not previously sought the requested relief from this Court.

Dated: March 17, 2015

s/Olimpio Lee Squitieri
Olimpio Lee Squitieri